

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHANE W. EDWARDS,

Plaintiff,

v.

BUREAU OF PRISONS, *et al.*,

Defendants.

CASE NO. C07-099-MJP-MJB

REPORT AND RECOMMENDATION

I. INTRODUCTION AND SUMMARY CONCLUSION

Plaintiff is a federal prisoner who is proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff has previously been granted leave to proceed *in forma pauperis*. Service has not been ordered. This Court concludes that Plaintiff has failed to state a claim upon which relief can be granted and recommends that this action be dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

II. DISCUSSION

On January 25, 2007, Plaintiff filed a civil rights complaint in this Court under § 1983. Dkt. #4. Plaintiff's complaint named the Bureau of Prisons and the Department of Justice as defendants. Because Plaintiff apparently attempts to identify federal actors as defendants in his complaint, this Court construed the complaint as an action brought pursuant to *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). However, the Court declined to serve Plaintiff's complaint because: (a) the identified defendants are agencies of the United

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1 States, which are not subject to *Bivens* actions, *F.D.I.C. v. Meyer*, 510 U.S. 471, 486 (1984);
2 (b) Plaintiff failed to identify which federal statutory or constitutional rights were allegedly
3 violated; and (c) Plaintiff failed to name individuals who caused or personally participated in
4 depriving him of his federal or constitutional rights. Accordingly, the Court issued an Order
5 advising Plaintiff of the deficiencies in his complaint and granting him leave to file an amended
6 complaint correcting these deficiencies by February 26, 2007. Dkt. #5. Plaintiff was advised
7 that if no amended complaint was timely filed, this Court would recommend that this matter be
8 dismissed for failure to state a claim upon which relief could be granted. *Id.* at 3.

9 As of the date of this Report and Recommendation, Plaintiff has neither filed an
10 amended complaint, nor sought an extension of time in which to do so.¹ Plaintiff, therefore,
11 has not adequately alleged a cause of action under *Bivens*.

12 III. CONCLUSION

13 For the reasons stated above, I recommend that Plaintiff's complaint and this action be
14 DISMISSED, without prejudice, under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim
15 upon which relief may be granted. A proposed order accompanies this Report and
16 Recommendation.

17 DATED this 9th day of April 2007.

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20 MONICA J. BENTON
21 United States Magistrate Judge
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25 ¹The Court notes that Plaintiff has filed two letters containing rambling descriptions of
26 conditions he is experiencing during his incarceration. *See* Dkt. #7, #8. However, both letters
27 were filed after the deadline for Plaintiff's submission of an amended complaint, and neither letter
28 corrects the deficiencies in Plaintiff's original complaint.